

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs

v.

ELECTION SYSTEMS AND SOFTWARE, INC.,

Defendant.

CASE NO.:

JUDGE:

DECK TYPE: Antitrust

DATE STAMP:

**PLAINTIFF UNITED STATES’
EXPLANATION OF CONSENT DECREE PROCEDURES**

Plaintiff United States of America (“United States”) submits this short memorandum summarizing the procedures regarding the Court’s entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the “APPA”), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a Complaint, Asset Preservation Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement related to the proposed Final Judgment. The parties have agreed that the Court may enter the proposed Final Judgment following compliance with the APPA.

2. The APPA requires that the United States publish the proposed Final Judgment and Competitive Impact Statement in the *Federal Register* and in certain newspapers at least

sixty (60) days prior to entry of the proposed Final Judgment. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division (*see* 15 U.S.C. § 16(b)-(c)).

3. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the *Federal Register*.

4. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by paragraph IV(A) of the Hold Separate Stipulation and Order, *see* 15 U.S.C. § 16(d)).

5. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: March 8, 2010

Respectfully submitted,

UNITED STATES OF AMERICA:

A handwritten signature in black ink, appearing to read "Stephanie Fleming", is written over a horizontal line.

Stephanie A. Fleming, Esq.

United States Department of Justice
Antitrust Division, Litigation II Section

450 5th Street, N.W., Suite 8700

Washington, D.C. 20530

(202) 514-9228

(202) 514-9033

stephanie.fleming@usdoj.gov